

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 1 be amended to read as follows:

1 Page 76, between lines 36 and 37, begin a new paragraph and insert:
2 "SECTION 48. IC 20-5-1-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in
4 IC 20-5-1 through IC 20-5-6, the following terms shall have the
5 following meanings:

6 (a) "School corporation" ~~shall mean~~ **means** any local public school
7 corporation established under the laws of the state of Indiana, including
8 but not limited to school cities, school towns, metropolitan school
9 districts, consolidated school corporations, county school corporations,
10 community school corporations, and united school corporations,
11 excluding, however, school townships. **For purposes of**
12 **IC 20-5-1.5-7(7) and IC 20-5-1.7-8, the term includes a school**
13 **township.**

14 (b) "Governing body" shall mean the board of commissioners
15 charged by law with the responsibility of administering the affairs of a
16 school corporation, including but not limited to a board of school
17 commissioners, metropolitan board of education, board of school
18 trustees, or board of trustees, and "member" shall mean a member of
19 such governing body.

20 (c) "School purposes" shall mean the general purposes and powers
21 provided in IC 20-5-2-1.2 and IC 20-5-2-2. However, the delineation of
22 a specific power in IC 20-5-2-2 shall not be construed as a limitation on
23 the general powers and purposes set out in IC 20-5-2-1.2.

24 SECTION 49. IC 20-5-1.5-7 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A school
26 corporation does not have any of the following powers:

27 (1) Those powers expressly prohibited of a unit under
28 IC 36-1-3-8.

29 (2) The power for eminent domain, unless specifically authorized
30 by statute.

(3) The power to prescribe a civil penalty or a fine.

(4) The power to adopt ordinances.

(5) The power to require the attendance of witnesses and the production of documents relative to matters being considered, unless specifically authorized by statute.

(6) The power to exercise powers outside of the boundaries of the school corporation, unless authorized by statute through joint agreements or otherwise.

(7) After December 31, 2005, notwithstanding any other law, the power to impose or collect an ad valorem property tax levy or a special assessment imposed for an assessment date after February 28, 2005, except to pay obligations incurred as a result of an agreement entered into before January 1, 2006, in conformity with the applicable law.

SECTION 50. IC 20-5-1.5-8 IS ADDED TO THE INDIANACODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. To replace ad valorem property taxes and special assessments terminated by section 7(7) of this chapter, the general assembly shall provide for alternative sources of funding to:**

- (1) avoid an impairment of any contract that is entered into by a school corporation in conformity with the provisions of law applicable to the contract, as required by Article 1, Section 24 of the Constitution of the State of Indiana; and**
- (2) provide for a general and uniform system of common schools that do not charge tuition and that are equally open to all, as required by Article 8, Section 1 of the Constitution of the State of Indiana.**

Page 103, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 75. [EFFECTIVE UPON PASSAGE] (a) The legislative council shall provide for the introduction of legislation that:

- (1) will provide alternative sources of funding for school corporations to replace ad valorem property tax levies and special assessments after December 31, 2005; and**
- (2) bring the various provisions of law into conformity with the provisions enacted in IC 20-5-1.5-7, as amended by this act, and IC 20-5-1.5-8, as added by this act.**

(b) If there is a conflict between IC 20-5-1.5-7, as amended by this act, and IC 20-5-1.5-8, as added by this act, and any other law enacted by the general assembly in the second regular session of the one hundred thirteenth general assembly, the other law shall not be construed to grant any authority for a school corporation to impose or collect an ad valorem property tax or a special

- 1 **assessment for an assessment date after February 28, 2005."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 1 as printed November 21, 2003.)

Senator SIMPSON